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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,471

12/26/2001

Akihide Oshima

01USFP716

2985

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7590

03/16/2006

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/025,471	Applicant(s) OSHIMA, AKIHIDE	
	Examiner Joseph R. Pokrzywa	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached Office action. (See 37 CFR 1.116 and 41.33(a)).

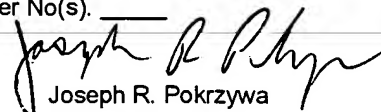
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


 Joseph R. Pokrzywa
 Primary Examiner
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DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 2/16/06, and has not been entered, as the amendment is not deemed to place the application in better form for appeal by materially reducing or simplify the issues for appeal. Currently, claims 1-8, 12-15, 18, and 19 are pending.

Response to Arguments

2. Applicant's arguments filed 2/16/06, regarding the rejection of **claims 1-8, 12-15, 18, and 19**, which was cited in the Office action dated 12/16/05 under 35 U.S.C. 102(e) as being anticipated by Chang *et al.* (U.S. Patent Number 6,947,995), have been fully considered but they are not persuasive.

3. In response to applicant's arguments regarding the rejection of **claim 1**, whereby applicant argues on pages 8-10 that Chang fails to teach of the limitation of "said portable terminal obtains a read data from said network server system and outputs i) a print request to said printer system to print said read data". In column 9, lines 39-60, Chang describes the browsing applications within the portable apparatus 100, whereby the apparatus 100 can "retrieve and display digital content", as well as having the function that allows the "[d]igital documents may be stored locally in the information apparatus 100". Further, as read in column 10, lines 11-17, and seen in Fig. 1, the apparatus 100 includes a client application 102, whereby the client application 102 can "coordinate with output device 106 that include an output controller 104 to

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manage the process of transmitting output data ... received from the server application 112 for output” and to “process output data or print data received from server application 112 before sending the data to output device 106 for final output”. Further, this is seen in Fig. 4 of Chang, whereby the “application process” within the portable device 100 sends a print request to a selected output device, so as to print the desired data stored in the device 100. Thus, Chang can be interpreted as teaching of a portable device obtaining a read data from a network server system and outputting a print request to a printer system to print the read data, as currently required in claim 1.

4. Continuing, applicant argues on pages 11–17 that Chang fails to teach of the limitation requiring “the print request comprising an order command data composed of a print command data (21), an identification and password (16), and an internet address data (17) identifying an internet URL location where the read data is located and ii), at the same time, transmits the identification and password (16) and the address data (17) the said network to the network server system”. Further, applicant stresses many areas in the noted sections of Chang where Chang states that the objects “may include” the specific features. Because Chang states that the objects may include the URL, the document, and security information, than given the broadest reasonable interpretation of the claim and reference, one can recognize that Chang teaches of these recited features in the claim. Particularly, Chang teaches of an order command data composed of a print command data (in column 5, lines 20-52), an identification and password (in column 7, lines 15-17), and an internet address data identifying an internet URL location where the read data is located (in column 5, lines 20-52). Further, Chang teaches of transmitting the identification and password and the address data (being included in the object data noted above)

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through the network to the network server system at the same time, as read in column 10, lines 29-43.

5. Continuing, applicant argues on pages 17 and 18 that Chang fails to teach of “said printer system outputs a transfer request to said network server system in response to said print request”. Chang teaches in column 10, lines 29 and 30 that the output device object is obtained from the output device 106. Further the job object may be obtained using values from the output device, as read in column 10, lines 58-65. Continuing, Chang further states in column 14, lines 63-67 that the output device further includes an output controller 104, whereby “The output controller 104 may transmit the output device object in one or multiple sessions”. Further, as read in column 17, lines 23-32, Chang states that “Components and operations to receive data and/or objects (with at least a output device object and a document object) from a client application 102.” And “Components and operations to process the objects received to generate device-dependent output data acceptable to one or more output devices 106 selected by a user”. Thus, object data is transmitted from the printer and forwarded to the server 112. Therefore, Chang can be interpreted as anticipating the limitations in claim 1, as currently worded.

6. In response to applicant’s arguments regarding the rejection of **claim 2**, whereby applicant argues on page 18 that Chang fails to teach of the limitation of “outputting a order command data showing a request for printing said read data from said portable terminal to a printer system and also outputting the order command data from said portable terminal to said network server system.” These features were discussed above with respect to claim 1. Particularly, Chang can be seen as teaching of outputting a order command data showing a request for printing said read data from said portable terminal to a printer system and also

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outputting the order command data from said portable terminal to said network server system in column 10, line 29-column 11, line 11.

7. Continuing, applicant argues on pages 18-20 that Chang fails to teach of the limitation requiring “a printing fee is charged based on said order command data sent by said portable terminal to said network server system”. As seen in Fig. 9F, and read in column 35, lines 1-8, Chang teaches that charge is incurred based on the printing. Because the printing was based on the order command data sent by the portable terminal, as seen in column 10, line 29-column 11, line 11, Chang can be interpreted as teaching of charging a fee based on the order command data sent by the portable terminal to the network server system. Therefore, Chang can be interpreted as anticipating the limitations in claim 2, as currently worded.

8. In response to applicant’s arguments regarding the rejection of dependent **claim 5**, whereby applicant argues on page 20 that Chang fails to teach of the limitation of “outputting a transfer command data ... from said printer system to said network server system”. Because the apparatus 100 receives an output device object from the printer 106, as read in column 10, lines 29-65, which is then used to coordinate the document browser application to retrieve the read data, Chang is effectively teaching of outputting a transfer command data showing a request for sending the read data from the printer system to the network server system, as currently required.

9. In response to applicant’s arguments regarding the rejection of dependent **claims 7, 8, 18, and 19**, whereby applicant argues on pages 20 and 21 that Chang fails to teach if the transfer command data includes the address data and a printer ID data which shows an address of the printer system and languages usable, and that Chang fails to teach of outputting a charging data used for a charge to the portable terminal by the network server system and the address data to

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the network server system. As discussed above, Chang effectively teaches of outputting a transfer command data showing a request for sending the read data from the printer system to the network server system in column 10, lines 29-65. Further, as read in column 7, lines 7-67, Chang teaches that the job object data and the document object can include address data and identification data pointing to an address of the printer, and various languages usable by the printer. Thus, Chang can be interpreted as teaching the limitations found in claim 7. Further, Chang states on column 27, lines 26-45 that the job object can include a service fee. Thus the transfer command data would include “charging data “ or a “printing fee”, as required in claims 8, 18, and 19.

10. In response to applicant’s arguments regarding the rejection of **claim 12**, whereby applicant argues on pages 21 and 22 that Chang fails to teach of “an internet address data (17) identifying an internet URL location where the read data is located. Chang states in column 5, lines 27-39 that the interpreted command data can include a URL, which is an internet address data, as required in the claim. Further, as seen in column 10, lines 29-65, Chang teaches of transferring a command for sending printable data. Therefore, Chang can be interpreted as anticipating the limitations in claim 12, as currently worded.

11. In response to applicant’s arguments regarding the rejection of dependent **claims 14 and 15**, whereby applicant argues on page 22 that Chang fails to teach if the transfer command data includes the address data and a printer ID data which shows an address of the printer system and languages usable, and that Chang fails to teach of outputting a charging data used for a charge to the portable terminal by the network server system and the address data to the network server system. As discussed above, Chang effectively teaches of outputting a transfer command data

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showing a request for sending the read data from the printer system to the network server system in column 10, lines 29-65. Further, as read in column 7, lines 7-67, Chang teaches that the job object data and the document object can include address data and identification data pointing to an address of the printer, and various languages usable by the printer. Thus, Chang can be interpreted as teaching the limitations found in claim 14. Further, Chang states on column 27, lines 26-45 that the job object can include a service fee. Thus the transfer command data would include "charging data", as required in claim 15.

12. Therefore, the rejection of **claims 1-8, 12-15, 18, and 19**, which were cited in the Office action dated 12/16/05 under 35 U.S.C. 102(e) as being anticipated by Chang *et al.* (U.S. Patent Number 6,947,995), are maintained.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2625

A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa", written in a cursive style.

jrp